IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.R. No.306 of 2003 (O&M)
Date of decision : 31.01.2013

Lekh Raj

..... Petitioner

Versus

State of Haryana through Munshi Ram, Food Inspector

..... Respondent

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CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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Present : Mr. R.S. Mamli, Advocate
for the petitioner.

Ms. Preeti Chaudhary, A.A.G., Haryana.

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

The present petition has been filed against the concurrent conviction of the petitioner under Section 16(1)(a)(i) read with Section 7 of the Prevention of Food Adulteration Act, 1954 and the consequent sentence of six months (rigorous imprisonment) imposed upon him.

Custody certificate filed in Court is taken on record. Brief facts of the case are that the complainant had taken a sample from the drum of milk kept by the petitioner for sale. The sample was sent both to the Public

Analyst, Haryana, Chandigarh as well as the Director, Central Food Laboratory, Mysore. As per the Public Analyst's report the milk fats were more than the required percentage while the milk solids were marginally less. However, as per the report of the Director, Central Food Laboratory both the milk fats as well as the milk solids were quite low.

Learned counsel for the petitioner has stated that though he has the arguable case on merits yet in case this Court is inclined to grant the petitioner little leniency in terms of sentence (the complaint having been filed as far back as 1992) he would not press for hearing the revision on merits because even otherwise the petitioner has undergone 1 month and 23 days out of the total sentence of 6 months. He has consequently prayed that the punishment should be reduced to that which he has already undergone.

Learned Assistant Advocate General has stated that in view of the fair stand of the learned counsel for the petitioner she would not oppose the reduction in sentence but since the petitioner has undergone the imprisonment of only 1 month and 23 days instead of 6 months originally imposed upon him the fine which was of ₹1,000/- should be substantially increased.

I find myself with the agreement of the prayer made by the learned Assistant Advocate General. In the circumstances, even while upholding the conviction the sentence of the petitioner is modified to that which he has already undergone and to pay fine of ₹10,000/-. Let the petitioner deposit the said fine within a period of two months from today before the trial Court, failing which this petition would be deemed to be

dismissed and the petitioner shall undergo the remaining portion of sentence originally imposed upon him.

Petition stands disposed of.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

January 31, 2013
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